

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Smyrna Post Office
Smyrna, New York

Docket No. A2011-78

PUBLIC REPRESENTATIVE COMMENTS
SUPPORTING REMAND
(December 22, 2011)

On September 21, 2011, the Commission received an appeal from Marie Whaley objecting to the closing of the Smyrna, NY Post Office.¹ On September 23, 2011, the Commission issued Order No. 867 accepting the appeal, directing the Postal Service to file the administrative record by October 6, 2011, establishing a procedural schedule, and naming the undersigned Public Representative.² On October 6, 2011, the Postal Service filed the Administrative Record.³ The Postal Service will serve Smyrna via rural carrier.⁴

¹ The Commission received a total of six appeals from Smyrna patrons. Petition for Review Received from Marie Whaley Regarding the Smyrna Post Office 13464, September 21, 2011; Petition for Review Received from Charles Edmonds, Mayor and Village of Smyrna Regarding the Smyrna Post Office 13464, September 22, 2011; Petition for Review Received from Bernice O'Brien Regarding the Smyrna Post Office 13464, October 13, 2011; Petition for Review Received from Molly Khoury Regarding the Smyrna Post Office 13464, October 13, 2011; Petition for Review Received from Judi S. Clippinger Regarding the Smyrna Post Office 13464, October 14, 2011; Petition for Review Received from Michael Khoury Regarding the Smyrna Post Office 13464, October 19, 2011.

² Notice and Order Accepting Appeal and Establishing Procedural Schedule, September 23, 2011.

³ United States Postal Service Notice of Filing, October 6, 2011.

⁴ Final Determination (FD) at 1. The Final determination is included in the Administrative Record (AR) as Item No. 47.

The Postal Service plans to provide retail and delivery service from the Sherburne Post Office located 4.26 miles away. Mileage from MapQuest. The Postal Service asserts that it followed all procedures and considered all factors required by law.⁵ It does appear that the Postal Service followed proper procedures. However, customer concerns about the effect on the community of closing the Smyrna Post Office were summarily dismissed, and the Final determination contains factual errors.

Smyrna is an incorporated village located within the Town of Smyrna, Chenango County, New York.⁶ The village has a significant amount of affordable housing, and 60 percent of the children in the local school district qualify for free or reduced-price lunches. AR, Item No. 38, at 15. The village is situated between a stream and a cliff, resulting in narrow streets. Village Statement at 3; AR, Item No. 38, at 17; *see also* MapQuest. Many citizens are poverty-stricken and do not own cars. The bus from Smyrna to Sherburne costs \$2.00 round trip. O'Brien Petition at 1; *see also* AR, Item No. 22, at 11-11.1, 104; *id.*, Item No. 38, at 11, 17.

The facts prompting remand of Etna⁷ exist in Smyrna as well. Certain boxholders at Smyrna are not served by a rural carrier. Different customers received conflicting statements as to how they would be served after the closing of the Smyrna Post Office. The Post Office Review Coordinator informed one customer currently not served by a carrier that "[r]ural service would be extended from Sherburne." AR, Item No. 22, at 83, 453; *id.*, Item No. 38, at 24. However, the Manager, Post Office Operations told another

⁵ United States Postal Service Comments Regarding Appeal, November 15, 2011, at 3 (Postal Service Comments).

⁶ The Final determination states that Smyrna is an unincorporated community governed by a Village Mayor. FD at 9. However, "[i]n New York State, the village is a general purpose municipal corporation" New York State Department of State, Local Government Handbook 77 (6th ed. 2009, reprinted 2011), http://www.dos.state.ny.us/lg/publications/Local_Government_Handbook.pdf. *See also* Clippinger Petition at 1.

⁷ Docket No. A2011-61, Order Remanding Determination, December 22, 2011, at 7-9 (Order No. 1067). In fact, the same Post Office Review Coordinator in the Albany District prepared the Proposals to close both Etna and Smyrna. *See, e.g.*, AR, Item No. 44, in each docket. The Smyrna administrative record shares a peculiarity with the Etna record: all customer response letters bear the same date, which is after the appeal was filed. It appears that the record had to be recreated for filing with the Commission. This raises the question what happened to the record sent to headquarters?

customer in the same situation that “[t]here are several guidelines which must be met prior to a road being approved for delivery.” FD at 5, Concern No. 20; *see also* AR, Item No. 22, at 261, 364, 538, 589. As was the case with Etna, there is no indication in the Smyrna record that the conditions that caused patrons on certain roads to be denied carrier service will suddenly correct themselves when the Smyrna Post Office closes. Order No. 1067 at 8-9.

The Log of Post Office Discontinuance Actions states that the OIC is a career employee. AR, Item No. 44. The Post Office Survey Sheet states that the OIC is a clerk from Norwich. *Id.*, Item No. 15, Line 7. However, the final determination refers to the only employee as a noncareer PMR. FD at 10.

The record contains conflicting or inaccurate statements about effective and regular service for patrons of the Smyrna Post Office. The Postal Service has ignored issues raised by patrons relating to lack of delivery service and the impact of closing on a community of low-income citizens. The Final determination should be remanded.

Respectfully submitted,

Emmett Rand Costich
Public Representative

901 New York Avenue, NW, Suite 200
Washington, DC 20268-0001
202-789-6833, FAX: 202-789-6861
email: rand.costich@prc.gov